

# Lahontan Regional Water Quality Control Board

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## LAHONTAN REGIONAL WATER BOARD PROPOSES \$500,000 PENALTY FOR APRIL 2005 SEWAGE DISCHARGE TO THE MOJAVE RIVER

**VICTORVILLE**—In response to an April 12, 2005 release of undisinfected wastewater to the Mojave River, the Lahontan Regional Water Quality Control Board has proposed a \$500,000 penalty for the Victor Valley Wastewater Reclamation Authority (VWRA).

The Administrative Civil Liability complaint is for the 8.7 million gallon release of undisinfected, secondary-treated sewage from a percolation pond adjacent to the river. The complaint states that, due to the enormous volume of the discharge, the maximum liability for the incident is \$87.2 million. Water Board staff recommended a \$500,000 liability after carefully considering the level to which the water had already been treated, the comparatively low level of environmental damage caused by the discharge, despite its large volume, and the failure by VWRA to take necessary precautions to prevent pond overflow.

The spill occurred on the morning of April 12, 2005 when the VWRA overfilled its No. 10 South Percolation Pond, causing the pond to overtop its containment levee. A 50-foot long breach of the entire levee resulted in the discharge of undisinfected, secondary-treated wastewater and eroded soils to the Mojave River. Due to the contamination, an eight-mile stretch of the Mojave River was posted with signs warning of the contaminated water. The warning lasted for 21 days.

The complaint further states that the VWRA did not exercise an expected standard of care, which directly resulted in the release. The percolation ponds were not equipped with adequate sensors to monitor their water depths and available capacity. The VWRA was aware of the insufficient monitoring, but it failed to physically inspect its ponds and determine if it needed to divert wastewater flows to prevent overtopping.

The Mojave River is an intrastate river located in the Mojave Desert and entirely within San Bernardino County, California. Surface water in the Mojave River does not flow above ground continuously—most of its surface is normally dry. Intermittent surface water flow occurs from storm events, from discharges of treated wastewater, and in places due to rising groundwater. The river supports riparian wildlife habitat through surface and groundwater flows, but does not normally support recreational boating and recreational fishing.

The VWRA faces a hearing within 90 days. If the proposed penalty is imposed, the money will be paid to the State Water Resources Control Board's Cleanup and Abatement Account to preserve and protect the state's water quality.

The Lahontan Water Board protects and restores California's water quality east of the Cascade and Sierra Nevada crests from the Oregon border through the Mojave Desert.